

LUTZ HEUER ET AL.
USSN 09/901,979

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REMARKS

Applicants reserve the right to prosecute the subject matter of the non-elected claims in a divisional application, if such subject matter is not ultimately granted here.

Claims 7-9 are pending. Claims 10-14 are added. Claims 10 and 11 are supported by the specification at page 10, lines 10-12. Claim 12 is directed to the elected subject matter. Claim 13 is supported by the specification at page 10, lines 6-8. Claim 14 is supported by the specification at page 11, lines 13-14 and 16.

Regarding the traversal, Applicants note that the Examiner asserts the claims are directed to more than one invention of synergistic combinations. In response, Applicants submit that a common aspect of the invention is the first ingredient cyproconazole (formula I). The cyproconazole can form a synergistic relationship with a second ingredient. Moreover, all of the

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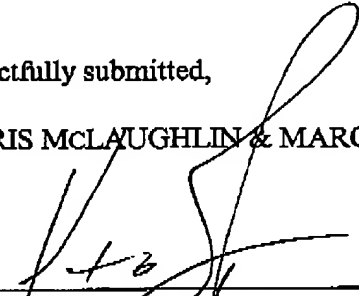
claimed are disclosed to be useful as antimicrobial compositions having a protective effect on industrial material. Consequently, all of the claimed combinations are closely related, and also share a common utility that can be attributed to the close relationship. In view of the foregoing, Applicants respectfully request that the Examiner reconsider and withdraw the restriction requirement.

Early and favorable action is earnestly solicited.

Respectfully submitted,

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By


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